

No. 1892

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**In the Supreme Court of the United States**

OCTOBER TERM, 1921.

THE TERRITORY OF ALASKA AND JUREAU HARD-  
WARE COMPANY, PETITIONERS,

JOHN W. TROT, COLLECTOR OF CUSTOMS FOR THE  
DISTRICT OF ALASKA,

APPEAL FROM THE DISTRICT COURT OF THE UNITED  
STATES FOR THE DISTRICT OF ALASKA, DIVISION NO. 1.

**MOTION BY APPELLEE TO ADVANCE.**

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WASHINGTON, OCTOBER 11, 1921.

# In the Supreme Court of the United States.

OCTOBER TERM, 1921.

THE TERRITORY OF ALASKA AND JUNEAU HARDWARE COMPANY, APPELLANTS, v. JOHN W. TROY, COLLECTOR OF CUSTOMS for the District of Alaska.	}	No. 392.
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*APPEAL FROM THE DISTRICT COURT OF THE UNITED  
STATES FOR THE DISTRICT OF ALASKA, DIVISION NO. 1.*

## MOTION TO ADVANCE.

Comes now the Solicitor General, on behalf of the appellee in the above-entitled cause, and respectfully moves the Court to advance said case for argument on Monday, October 31st, or as soon thereafter as may please the Court.

The appellants brought this suit to restrain the defendant from confiscating certain merchandise belonging to the Juneau Hardware Company under section 27 of the Act of Congress, approved June 5, 1920, entitled "An Act to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property

acquired thereunder, and for other purposes," which merchandise had been shipped from a point in the United States over a Canadian railway line and thence by water via a British vessel not authorized to carry freight or passengers between American ports to a port in Alaska, upon the ground that section 27 of the said act is in conflict with subsection 6 of section 9 of Article I of the Constitution of the United States, alleging that the said section gives by a regulation of commerce a preference to some ports over other ports of the United States and discriminates against ports of Alaska in favor of the other ports of the United States.

The District Court, in sustaining a demurrer to the complaint, held that, while this provision of the Constitution forbids Congress to discriminate against the ports of any *state*, its terms do not relate to the ports of a *territory* and, therefore, the statute was not in conflict with the Constitution.

The case involves and affects a matter of general public interest in that the statute, in providing for the forfeiture of all goods shipped into the Territory of Alaska otherwise than as provided in the Act, affects a large part of the traffic between the States and the Territory of Alaska. It is, therefore, important that an early hearing may be had in this case.

Counsel for the appellants concur in this motion.

JAMES M. BECK,

*Solicitor General.*

SEPTEMBER, 1921.

